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SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

DAMILOLA ADEKUNLE and FAYAH
TOLNO, a married couple;

Plaintiff,

v.

THE GEO GROUP, INC., a foreign profit
corporation, and SHERI W. MALAKHOVA,
M.D., an individual;

Defendants.

NO.

COMPLAINT

I. INTRODUCTION

COME NOW the above-named Plaintiffs, by and through their attorneys of record, Matthew J. Wurdeman, Samuel J. Daheim, and Jackson R. Pahlke of Connelly Law Offices, PLLC, and by way of claim aver and allege on personal knowledge as to their own actions, and on information and belief as to all other matters, as follows:

II. PARTIES

1. Defendant THE GEO GROUP INC., (“GEO”) is a publicly traded, for-profit business operated in Washington state. GEO has owned and operated the Northwest Detention Center (“NWDC”), which was recently renamed the Northwest ICE Processing Center (“NWIPC”) and which is located at 1623 E. J. St., Tacoma, WA, since 2005. The NWDC is a

1 privately owned and operated Immigration detention center with capacity to hold
 2 approximately 1,575 people. On information and belief, GEO contracts with United States
 3 Immigration and Customs Enforcement (“ICE”) for the detention of adult civil detainees who
 4 await resolution of decisions regarding their immigration status. On its website GEO
 5 advertises itself as “ensur[ing] the delivery of a full complement of high-quality services,
 6 including: . . . correctional health and mental health care. . . .”¹ GEO staff at NWDC failed to
 7 properly treat, evaluate, assess, diagnose, and otherwise respond to Plaintiff’s complaints of
 8 telltale signs and symptoms of bacterial meningitis. Instead, GEO staff locked Plaintiff alone
 9 in a cold room without access to a bathroom or assistance of staff as she suffered extreme pain
 10 associated with her illness and was refused treatment or proper care. Eventually, she was sent
 11 to a hospital where she received a delayed diagnosis of severe bacterial meningitis. But it was
 12 far too late, due to GEO’s negligence, and now Plaintiff and her husband must deal with the
 13 severe pain and complications as a result.

14 2. Defendant SHERI W. MALAKHOVA, M.D., is a physician residing at 2541
 15 Lynwood Ave., NE, Renton, WA 98056 who worked at the NWDC clinic and was involved
 16 in Plaintiff Adekunle’s evaluation for symptoms relating to her bacterial meningitis. Dr.
 17 Malakhova electrically co-signed off on a number of medical records relating to Ms.
 18 Adekunle’s treatment, including the order transferring her to St. Joseph’s Medical Center.
 19 The extent of her involvement in assessing, evaluating, or treating Ms. Adekunle is unknown
 20 at this time and will be revealed through discovery.

21 3. Plaintiffs DAMILOLA ADEKUNLE and FAYAH TOLNO are a married
 22 couple currently residing in Aubrey, TX. In January, 2019, Ms. Adekunle was being detained
 23

¹ https://www.geogroup.com/Management_and_Operations

1 at NWDC awaiting a decision regarding her immigration status as it was being processed.
2 During this time, she began experiencing severe symptoms of bacterial meningitis. She
3 complained of these symptoms as they became unbearable to NWDC staff, who did nothing
4 to appropriately assess, evaluate, or treat her worsening condition. She was thrown into a
5 cold room while she was screaming in agony. Only after her body temperature rose to 104
6 degrees and losing consciousness, she was eventually transferred to a hospital. As a result of
7 the delayed diagnosis and failure to treat, Ms. Adekunle has experienced and will continue to
8 experience severe symptoms relating to her bacterial meningitis for the rest of her life.

9 **III. JURISDICTION AND VENUE**

10 4. This Court has original subject matter jurisdiction pursuant to the Constitution
11 of the State of Washington, Art. 4, § 6.

12 5. Venue is proper in King County pursuant to RCW 4.12.025 (1) as one or more
13 of the Defendants reside in King County.

14 **IV. STATEMENT OF FACTS**

15 6. In January of 2019, Damilola Adekunle was being held at NWDC pending the
16 final decision regarding the processing of her immigration status into the United States.

17 7. On January 21, 2019, Damilola first began experiencing severe migraines,
18 itchiness in her eyes and face, and extreme pain and discomfort all over her body. She
19 presented to the clinic at the NWDC, where she was given a Benadryl. Her symptoms did not
20 subside.

21 8. As the pain became unbearable and Damilola became increasingly ill, she was
22 seen again the following day, January 22, for her persistent symptoms. She was then given
23 hydroxyzine, an antihistamine, and ketorolac, in an attempt to reduce her now intolerable pain

1 and body aches.

2 9. Later that evening, January 22, Damilola was found lying in her bunk crying in
3 pain, hyperventilating, and in excruciating pain. Nothing was done.

4 10. On January 23, the following morning, Damilola was seen again at the clinic
5 where she presented with a pulse of 130 and a fever of 104 degrees. This was at
6 approximately 10:00am. Damilola was finally assessed by a physician nearly 6 hours later,
7 when it was determined she should be transferred to the emergency room at St. Joseph's
8 Hospital.

9 11. A transfer note was entered at 3:46pm by Dr. Malakhova, which indicated
10 "dehydration, possible meningitis, influenza, or PE." Damilola was sent out via 911
11 emergency services due to the "complexity of patient symptoms" pursuant to the transfer
12 ordered by Dr. Malakhova.

13 12. At 4:49pm that afternoon Damilola was seen at St. Joseph's Hospital where
14 she was examined, where it was noted that she had pain with movement of the neck. A
15 lumbar puncture was performed which revealed Damilola had cloudy cerebrospinal fluid
16 (CSF). She was admitted and hospitalized from January 23, 2019 through February 1, 2019
17 for sepsis secondary to bacterial Neisseria meningitis.

18 13. On February 2, Damilola was prematurely released back to the NWDC on the
19 demands of the detention center personnel.

20 14. Damilola now suffers from long-term effects of the infection and delayed
21 diagnosis, such as severe and frequent migraines, vision loss, intermittent loss of
22 consciousness, cognitive issues, such as memory loss and trouble concentrating, mental
23 fatigue and fogginess, debilitating back pain, persistent illness, and a number of other long-

1 term, painful symptoms which commonly present in patients who have recovered from
2 delayed-treatment bacterial meningitis and a resulting case of severe sepsis.

3 **V. CAUSES OF ACTION – NEGLIGENCE, SPOUSAL LOSS OF**
4 **CONSORTIUM**

5 15. All preceding claims, statements, and allegations above are re-incorporated by
6 reference.

7 16. Defendants owed a duty of reasonable and ordinary care to Damilola Adekunle
8 as detainee and medical patient.

9 17. This duty exists because detainees, by virtue of being detained, are unable to
10 obtain medical care for themselves.

11 18. Defendants breached their duty, and were negligent, when they failed to have
12 and follow proper training, policies, and procedures on assessment and evaluation of persons
13 with apparent medical needs or in the midst of a medical emergency.

14 19. Defendants breached their duty, and were negligent, when they failed to have
15 and follow proper training, policies, and procedures on the provision of reasonable and
16 necessary medical care and treatment to detainees.

17 20. Defendants breached their duty, and were negligent, when they failed to
18 properly assess and treat Damilola Adekunle for acute bacterial meningitis and delayed the
19 diagnosis and provision of proper medical care.

20 21. Defendants breached their duty and were negligent where they failed to
21 comply with the standard of care, as described above and in other respects as well.

22 22. As a direct and proximate result of these and other breaches, Plaintiff Damilola
23 Adekunle suffered and continues to suffer from ongoing health complications associated with

1 the delayed diagnosis of her meningitis and resulting sepsis.

2 23. As a direct and proximate result of these and other breaches, Plaintiff Damilola
3 Adekunle suffered and continues to suffer general and special damages in an amount to be
4 proven at trial.

5 24. As a direct and proximate result of these and other breaches, Damilola's
6 husband, Plaintiff Fayah Tolno, suffered and continues to suffer loss of spousal consortium
7 due to his wife's injuries.

8 **VI. ARBITRATION (MED MAL)**

9 25. Undersigned counsel declares that they provided the Plaintiff in this matter
10 with a copy of RCW 7.70A; however, Plaintiff elected not to submit the matter to arbitration
11 under that chapter, given that the damages in this case greatly exceed the \$1 million cap
12 imposed by RCW 7.70A.060(2).

13 **VII. PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiffs request a judgment against the Defendants:

- 15 (a) Awarding general and special damages in an amount to be proven at trial;
16 (b) Awarding reasonable attorneys' fees and costs;
17 (c) Awarding any and all applicable interest on the judgment;
18 (d) Awarding such other and further relief as the Court deems just and proper
19 under the circumstances of this case; and
20 (e) Declaring the Defendants jointly and severally liable.

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23 //

1 DATED this 5th day of January, 2021.

2 CONNELLY LAW OFFICES, PLLC

3 By: 

4 Matthew J. Wurdeman, WSBA No. 49940

5 Samuel J. Daheim, WSBA No. 52746

6 Jackson R. Pahlke, WSBA No. 52812

7 *Attorneys for Plaintiffs*